IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3479 of 2005

Between:

Balleni Dharma Raju, S/o.Narasimham,

Aged about 45 years, Occ:Agriculture,

R/o. Gangamapalem Village, Hamlet of Tirumalaipalem,
Gokavaram Mandal, East Godvari District.

..... PETITIONER

AND

1 The District Collector, East Godavari District, Kakinada.
2 The Mandal Revenue Officer, Gokavaram Mandal,
Gokavaram, East Godavari District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in resorting to evict the petitioners from the lands in Survey No. 118/3 to an extent of Ac. 1-00 cents, situated at Gangampalem Villge,
H/o. Tirmalaipalem, Gokavaram Mandal, East Godavari District, as highly illegal, arbitrary, unjust, violative of Article 300-A and Article 31-A(1) and Article 21 of the Constitution of India and in violation of the principles of natural justice and consequently direct the respondents not to evict the petitioners from the above lands.

Counsel for the Petitioner: MR.BADANA.BHASKARA RAO

Counsel for the Respondents : GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents in resorting to evict the petitioner from the land in Survey No. 118/3 admeasuring
Ac.1-00 cents situated at Gangampalem Village,
H/o. Tirumalaipalem, Gokavaram Mandal, East Godavari District is arbitrary and illegal.

The petitioner claims to be the owner and possessor of the said land and it is alleged that the respondents have been interfering with his possession without following due process of law.

Having regard to the assertions made by the petitioner and having heard learned counsel for the petitioner as well as learned Government Pleader for Revenue appearing for the respondents, without expressing any opinion as to the ownership claimed by the petitioner, the writ petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioner in respect of the land in question without following due process of law. No costs.

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25.02.2005

Note :Furnish C.C.by Monday.

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To

1 The District Collector, East Godavari District, Kakinada.

2 The Mandal Revenue Officer, Gokavaram Mandal,
Gokavaram, East Godavari District.

3. Two CCs to the G.P. for Revenue, High Court of A.P.,

Hyderabad (OUT)

4 Two CD Copies.